



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Hanan HERZBERG §
§
§
§ Confirmation No.: 5049
Serial No.: 10/511,859 §
§
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§
Filed: October 18, 2004 § Group Art Unit: 2611
For: Non-Intrusive Modem Performance §
§
§
§
Analysis §
§
§
§ Attorney
Examiner: Leon FLORES § Docket: 37476

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Sir:

Applicants hereby appeal the Final Rejection of the Examiner dated April 14, 2009, rejecting claims 4-9, 11-13, 15, 16, 18, 20-27, 29, 33, 34, 37-44, 46-51, and 53-55.

This Application enjoys Small Business Entity status.

Please charge the Notice of Appeal fee of \$270.00 to Deposit Account 50-1407.

Further, enclosed is a Pre-Appeal Brief in conformance with the "New Pre-Appeal Brief Conference Pilot Program" published on July 12, 2005 in the Official Gazette.

Respectfully submitted,

Martin D. Moynihan
Registration No. 40,338

Date: October 8, 2009

Enclosures:

- Petition for Extension of time (3 Months) in response to Final Office Action dated April 14, 2009; and
- Pre-Appeal Brief Request for Review